

REMARKS

Claims 20-24, 26-31, and 33 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the remarks.

In this Amendment, Applicant has amended Claims 20 and 27 and canceled claims 25, 32, and 34-39 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by Claims 20-39, prior to this Amendment is not patentable over the art cited by the Examiner. Claims 25, 32, and 34-39 were cancelled and Claims 20 and 27 amended in this Amendment solely to facilitate expeditious prosecution. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by Claims 20-39, as presented prior to this Amendment and additional claims in one or more continuing applications.

Claims 20, 27 and 34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rui (*Relevance Feedback: A Power Tool for Interactive Content-Based Image Retrieval*) in view of Nepal (*A Fuzzy Object Query Language (FOQL) for Image Databases*). The Examiner stated essentially that the combined teachings of Rui and Nepal teach or suggest all the limitations of Claims 20, 27 and 34.

Claims 20 and 27 claim, *inter alia*, "translating the high-level concept into a low-level query by using stored concept constructs which are defined using features derived from a plurality of application domains, wherein the stored concept constructs are each represented using a hierarchical fuzzy graph data tree-structure comprising nodes that correspond to child-

concepts and a subset of the features, aggregation edges that correspond to parent-child relationships, and association edges between siblings that correspond to inter-sibling constraints.”

Claims 20 and 27 have been amended to include the limitations of Claims 25 and 32, respectively. Claims 25 and 32 have been rejected in view of Rue and Netsev. Therefore, Netsev will be considered here.

Rui teaches a method for content-based image retrieval using relevance feedback (see title and Abstract). Rui does not teach or suggest “association edges between siblings that correspond to inter-sibling constraints” as claimed in Claims 20 and 27. Rui’s method is focused on user interaction - a user provides feedback for taking into account a gap between high level concepts and low level features and subjectivity of human perception (see Abstract). The presence of user feedback in the method of Rui is clearly distinguishable from the claimed “stored concept constructs”. Indeed, Rui requires users feedback, essentially teaching away from the claimed method using stored concept constructs, to adapt to a subjective human. Therefore, Rui fails to teach or suggest all the limitations of Claims 20 and 27.

Nepal teaches objects in a database (see FIG. 1). Nepal does not teach or suggest “association edges between siblings that correspond to inter-sibling constraints” as claimed in Claims 20 and 27. The edges of Nepal are between parent and children types. The edges of Nepal do not connect siblings, much less correspond to inter-sibling constraints, as claimed in Claims 20 and 27. Therefore, Nepal fails to cure the deficiencies of Rui.

Netsev teaches a method for content-based image searching (see Abstract). Netsev fails to teach or suggest “association edges between siblings that correspond to inter-sibling constraints” as claimed in Claims 20 and 27. Netsev associates semantic with a concept. Netsev

teaches an association between concepts. Therefore, Netsev fails to cure the deficiencies of Rui and Nepal.

Claim 34 has been canceled. Reconsideration of the rejection is respectfully requested.

Claims 21-26, 28-33 and 35-39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rue in view of Netsev (*CAMEL: Concept Annotated Image Libraries*). The Examiner stated essentially that the combined teachings of Rue and Netsev teach or suggest all the limitations of Claims 21-26, 28-33 and 35-39.

Claims 21-24 and 26 depend from Claim 20. Claims 28-31 and 33 depend from Claim 27. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims. Claims 25, 32 and 34-39 have been canceled. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 20-24, 26-31, and 33 is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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/Nathaniel T. Wallace/
Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889